



Eric Gonzalez
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03/02/2020

In connection with the above-named case, the People voluntarily provide the following information regarding:

MOS NAME: CHRISTOPHER THOMAS

MOS TAX: 947540

in satisfaction (to the extent applicable) of their constitutional, statutory, and ethical obligations. Further, the People reserve the right to move in limine to preclude reference to this information, or otherwise to object to its use and/or introduction into evidence.

Disclosure # 1:

ON DECEMBER 3, 2014, MOS THOMAS, SHIELD NUMBER 12968, TESTIFIED IN THE GRAND JURY WITH REGARD TO A GUN POSSESSION CASE (KINGS COUNTY INDICTMENT NUMBER 8642/2014). MOS THOMAS TESTIFIED UNDER OATH THAT ON OCTOBER 18, 2014, AT ABOUT 4:35 A.M., IN FRONT OF 172 SUYDAM STREET IN BROOKLYN, HE AND MOS NELSON AYALA WERE ON ANTI-CRIME PATROL; MOS AYALA WAS DRIVING. MOS THOMAS STATED THAT HE OBSERVED A PARKED MERCEDES-BENZ CAR ON THE STREET, AND WHILE PULLING UP NEXT TO THE PARKED CAR, NOTICED THAT IT HAD FRONT-END DAMAGE AND THAT THREE PEOPLE WERE SEATED INSIDE, AMONG THEM THE DRIVER WHO WAS BLEEDING FROM THE NOSE. MOS THOMAS TESTIFIED THAT HE ASKED THE DRIVER OF THE MERCEDES IF HE WAS OKAY. ACCORDING TO MOS THOMAS' GRAND JURY TESTIMONY, THE DRIVER, AT THE SAME TIME AS HE WAS SPEAKING IN RESPONSE TO THE OFFICER, REACHED WITH HIS RIGHT HAND INTO HIS WAISTBAND, LEFT SIDE. MOS THOMAS TESTIFIED THAT, AT THAT POINT, HE EXITED HIS VEHICLE, AND AS HE APPROACHED THE MERCEDES WITH HIS FLASHLIGHT, HE SAW THE DRIVER TRANSFER A FIREARM, WHICH THE DRIVER HAD TAKEN OUT OF HIS WAISTBAND, TO AN AREA BETWEEN THE CENTER CONSOLE AND THE SEAT. MOS THOMAS STATED THAT HE COULD THEN SEE THE BUTT OF THE GUN STUFFED BETWEEN THE CONSOLE AND SEAT. THE DRIVER OF THE MERCEDES WAS SUBSEQUENTLY INDICTED FOR CRIMINAL POSSESSION OF A WEAPON IN THE SECOND DEGREE, CRIMINAL POSSESSION OF A WEAPON IN THE THIRD DEGREE, AND OTHER LESSER CRIMES.

ON JULY 16, 2015, THE ASSIGNED ASSISTANT DISTRICT ATTORNEY SPOKE BRIEFLY TO MOS THOMAS IN PREPARATION FOR A PRE-TRIAL SUPPRESSION HEARING. MOS THOMAS STATED TO THE ADA THAT HE HAD NOT SEEN THE DRIVER/DEFENDANT MOVE A GUN FROM HIS WAISTBAND.

ON JULY 22, 2015, THE ASSIGNED ADA INTERVIEWED MOS THOMAS AT GREATER LENGTH IN PREPARATION FOR THE PRE-TRIAL SUPPRESSION HEARING. MOS THOMAS REITERATED THAT HE HAD NOT SEEN THE DRIVER/DEFENDANT WITH HIS HAND ON A GUN AND HAD NOT SEEN HIM MAKE ANY MOTIONS WITH HIS HAND IN HIS WAISTBAND. HE STATED TO THE ADA THAT HE DID NOT KNOW WHY HE HAD TESTIFIED TO THOSE FACTS BEFORE THE GRAND JURY.

ON JULY 29, 2015, DEFENSE COUNSEL PROVIDED THE ASSIGNED ADA WITH A VIDEO, PRESUMABLY FROM A STREET SURVEILLANCE CAMERA ATTACHED TO A BUILDING ON SUYDAM STREET. THE VIDEO, WHICH IS APPROXIMATELY 25 MINUTES LONG, DEPICTS THE ENTIRE ENCOUNTER BETWEEN THE POLICE AND THE THREE MEN INSIDE THE MERCEDES-BENZ. IN CONTRAST TO MOS THOMAS' GRAND JURY TESTIMONY, THE VIDEO SHOWS THE POLICE VEHICLE PULLING UP ACROSS THE STREET FROM THE PARKED MERCEDES AND MOS THOMAS AND MOS AYALA ALMOST IMMEDIATELY AND SIMULTANEOUSLY EXITING THEIR VEHICLE AND APPROACHING THE MERCEDES; NO CONVERSATION APPEARS TO TAKE PLACE BETWEEN MOS THOMAS AND THE DRIVER/DEFENDANT BEFORE THE OFFICERS GET OUT OF THEIR CAR. FURTHER, THE ARMS AND HANDS OF THE DRIVER/DEFENDANT ARE VISIBLE ON THE VIDEO, AND HE DOES NOT APPEAR TO SHIFT ANYTHING IN, OR REMOVE ANYTHING FROM, HIS WAISTBAND AT ANY POINT. NOR DOES HE APPEAR TO PLACE ANY OBJECT IN THE AREA BETWEEN THE CENTER CONSOLE AND THE DRIVER'S SEAT.

IN LIGHT OF THE DISCREPANCY BETWEEN MOS THOMAS' SWORN GRAND JURY TESTIMONY ON THE ONE HAND AND HIS STATEMENTS TO THE ASSIGNED ADA AND THE VIDEO RECORDING OF THE ENCOUNTER ON THE OTHER HAND, THE PEOPLE DISMISSED THE INDICTMENT AND THE CASE WAS SEALED, AND THE MATTER WAS REFERRED TO THE NYPD'S INTERNAL AFFAIRS BUREAU FOR INVESTIGATION. UPON COMPLETING THEIR INVESTIGATION, IAB INVESTIGATORS BELIEVED THAT MOS THOMAS HAD NOT ENGAGED IN CALCULATED MALFEASANCE, BUT THE INVESTIGATORS RECOGNIZED THAT THE MOS HAD PROVIDED INACCURATE TESTIMONY DURING A GRAND JURY PROCEEDING. IN MAY 2016, A SOLE DEPARTMENTAL CHARGE WAS PREFERRED AGAINST MOS THOMAS -- NAMELY, THAT ON DECEMBER 3, 2014 HE HAD ENGAGED IN CONDUCT PREJUDICIAL TO THE GOOD ORDER OF THE DEPARTMENT IN THAT HE HAD GIVEN INACCURATE TESTIMONY DURING A GRAND JURY PROCEEDING RELATING TO THE OBSERVATION OF A FIREARM LEADING TO AN ARREST. MOS THOMAS SUBSEQUENTLY PLEADED GUILTY TO THIS SOLE CHARGE, AND, ON OCTOBER 20, 2016, INCURRED A PENALTY OF A LOSS OF 30 DAYS' VACATION AND 1-YEAR PERIOD OF DISMISSAL PROBATION.

Disclosure # 2:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S) FROM CCRB CASE NO. 200905178, DATED 04/03/2009, AGAINST MOS THOMAS:

ALLEGATION(S):

1. MOS THOMAS, ASSIGNED TO PBBN IRT, FAILED TO MAKE ACTIVITY LOG ENTRIES REGARDING THIS INCIDENT
CASE STATUS: CLOSED ON 09/30/2010
ACTION TAKEN: SCHEDULE B COMMAND DISCIPLINE. IN ADDITION, MOS THOMAS WAS WARNED AND ADMONISHED.

Disclosure # 3:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S), DATED 04/19/2012, AGAINST MOS THOMAS:

ALLEGATION(S):

1. DEPARTMENT RULES VIOLATION - TRAFFIC VIOLATIONS BUREAU - NON-APPEARANCE
CASE STATUS: CLOSED ON 08/06/2012
ACTION TAKEN: SCHEDULE B COMMAND DISCIPLINE

Disclosure # 4:

THE NYPD SUBSTANTIATED THE FOLLOWING ALLEGATION(S), DATED 01/25/2013, AGAINST MOS THOMAS:

ALLEGATION(S):

1. DEPARTMENT RULES VIOLATION - TRAFFIC VIOLATIONS BUREAU - COURT NON-APPEARANCE
CASE STATUS: CLOSED ON 03/08/2013
ACTION TAKEN: SCHEDULE B COMMAND DISCIPLINE

Disclosure # 5:

MOS THOMAS IS A NAMED DEFENDANT IN THE FOLLOWING CIVIL ACTIONS:

1. JORDAN WALKER V. CITY OF NEW YORK, ET AL, 15-CV-05879 FILED IN THE EASTERN DISTRICT OF NEW YORK.

Eric Gonzalez
District Attorney
Kings County